

81.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
For Approval of Rate Increases and)
Revised Rate Schedules.)

DOCKET NO. 05-0315

ORDER NO. 23153

Filed Dec. 21, 2006
At 11 o'clock A.M.

Karen Higrot.
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
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Docket No. 05-0315

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ORDER

By this Order, the commission adopts the Proposed Revised Procedural Schedule submitted by HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate") (collectively, the "Parties"), on December 8, 2006.¹

I.

Proposed Revised Procedural Schedule

On May 5, 2006, HELCO filed an application for approval of a general rate increase and revised rate schedules and rules ("Application"). Pursuant to Order No. 22663, the commission

¹The Consumer Advocate is an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a). Keahole Defense Coalition, Inc. ("KDC") is a participant in this proceeding, pursuant to Order No. 22663, filed on August 1, 2006 ("Order No. 22663"). The Proposed Revised Procedural Schedule is attached as Exhibit 1 to this Order.

granted participation status without intervention, to KDC.² The commission limited KDC's participation to those issues related to the expansion of the HELCO Keahole Generating Station.³

Pursuant to Order No. 22903, filed on September 28, 2006, the commission adopted, with modification, the Stipulated Prehearing Order submitted by HELCO, the Consumer Advocate, KDC and RMI ("Order No. 22903").

By letter dated November 1, 2006, the Consumer Advocate requested that Section II of the Stipulated Prehearing Order adopted in Order No. 22903, i.e., Schedule of Proceedings, be suspended to allow the Consumer Advocate additional time to review HELCO's responses to outstanding discovery ("Request to Suspend Procedural Schedule"). HELCO replied to the Request to Suspend Procedural Schedule by letter to the commission dated November 9, 2006, in which HELCO stated that it opposed the Consumer Advocate's request and proposed working with the Consumer Advocate to reach an agreement on a revised procedural schedule for submission to the commission ("HELCO Reply").⁴ By letter dated November 20, 2006, the Consumer Advocate reiterated its desire to suspend the current procedural schedule and

²Rocky Mountain Institute ("RMI") was also granted participation status without intervention by the commission in Order No. 22663. By Order No. 23108, filed on December 5, 2006, the commission approved the withdrawal of RMI as a participant in the instant proceeding.

³See Order No. 22663 at 7.

⁴By this letter, HELCO also submitted for the commission's review, a proposed revised procedural schedule.

recommended that the commission reject HELCO's proposed procedural schedule.

By letter dated December 1, 2006, the commission instructed the Parties and KDC to submit a proposed revised stipulated procedural schedule for the commission's review and approval by December 8, 2006. On December 8, 2006,⁵ the Parties submitted a Revised Stipulated Procedural Schedule for the commission's consideration and approval.⁶ HELCO and the Consumer Advocate propose the following revisions to the Schedule of Proceedings (the Parties' proposed revisions to the current procedural schedule are underlined):

| | |
|--|---|
| HELCO Application, Direct Testimonies, Exhibits and Workpapers | May 5, 2006 |
| Public Hearings | June 26-27, 2006 |
| Consumer Advocate Information Requests ("IRs") To HELCO | July 25, 2006 August 25, 2006 September 8, 2006 September 25, 2006 October 18, 2006 November 1, 2006 <u>November 20, 2006</u> |
| HELCO Responses to Consumer Advocate IRs | August 15, 2006 September 15, 2006 September 29, 2006 October 16, 2006 November 8, 2006 December 1, 2006 <u>December 11, 2006</u> |

⁵A copy of the letter was also sent to RMI, as the commission had not, as of December 1, 2006, approved RMI's withdrawal as a participant in this docket.

⁶The Parties note that while KDC was not a signatory to the Proposed Revised Procedural Schedule, KDC has verbally represented to the Consumer Advocate that the Proposed Revised Procedural Schedule is acceptable.

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| <u>HELCO Remaining Responses to CA-IRs Through Round 6</u> | <u>Continuous to December 1, 2006</u> |
| <u>Consumer Advocate Supplemental IRs ("SIRs") To HELCO</u> | <u>Continuous to December 22, 2006</u> |
| <u>HELCO Responses to Consumer Advocate SIRs</u> | <u>Continuous to January 15, 2007</u> |
| <u>HELCO Filing of Act 162 Direct Testimonies and Consultant Report</u> | <u>December 29, 2006</u> |
| <u>Consumer Advocate IRs on HELCO Act 162 Direct Testimonies and Consultant Report</u> | <u>January 10, 2007</u> |
| <u>HELCO Responses to Consumer Advocate Act 162 Information Requests</u> | <u>January 24, 2007</u> |
| <u>Consumer Advocate SIRs on HELCO Act 162 Direct Testimonies and Consultant Report</u> | <u>January 31, 2007</u> |
| <u>HELCO Responses to Consumer Advocate Act 162 SIRs</u> | <u>February 9, 2007</u> |
| Consumer Advocate Testimonies, Exhibits and Workpapers KDC Statement of Position | <u>February 21, 2007</u> |
| HELCO IRs to Consumer Advocate And KDC; Consumer Advocate IRs to KDC | <u>February 22-28, 2007</u> |
| Consumer Advocate and KDC Responses to HELCO IRs KDC Responses to Consumer Advocate's IRs. | <u>March 1-7, 2007</u> |
| Settlement Proposal Submitted to Consumer Advocate | <u>March 2, 2007</u> |
| First Settlement Discussion between HELCO and Consumer Advocate | <u>March 7-8, 2007</u> |
| HELCO Rebuttal Testimonies, Exhibits And Workpapers HELCO Statement of Probable Entitlement | <u>March 19, 2007</u> |
| Consumer Advocate Response to HELCO Statement of Probable Entitlement | <u>March 27, 2007</u> |
| Consumer Advocate Rebuttal IRs ("RIRs") to HELCO | <u>March 22 to April 3, 2007</u> |

HELCO's Responses to Consumer
Advocate's RIRs

April 16-24, 2007

Second Settlement Discussion
Between HELCO and the Consumer
Advocate

April 17-19, 2007

Settlement Letter to the Public
Utilities Commission

April 23, 2007

Prehearing Conference

May 4, 2007

Evidentiary Hearing

Week of May 7, 2007

Simultaneous Opening Briefs by
Parties

4 weeks after
Transcripts

Simultaneous Reply Briefs by Parties

3 weeks after
Opening Briefs

II.

Discussion

The commission finds the Parties' Proposed Revised Procedural Schedule to be reasonable in light of the voluminous discovery by the Parties.⁷ While the Proposed Revised Procedural Schedule condenses the time available to the commission to review the Parties' probable entitlement statement and response, it gives the Consumer Advocate additional time to conduct discovery while still allowing the proceeding to move forward without undue delay. Accordingly, the commission concludes that the Proposed Revised Procedural Schedule, submitted by the Parties on December 8, 2006, should be approved.

⁷For example, in the HELCO Reply, HELCO notes that the Consumer Advocate submitted 510 information requests with "subparts," totaling almost 1,800 questions.

III.

Orders

THE COMMISSION ORDERS:

1. Section II, Schedule of Proceedings, is amended to read as follows:

| | |
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| Consumer Advocate Information Requests ("IRs") To HELCO | July 25, 2006 August 25, 2006 September 8, 2006 September 25, 2006 October 18, 2006 November 1, 2006 November 20, 2006 |
| HELCO Responses to Consumer Advocate IRs | August 15, 2006 September 15, 2006 September 29, 2006 October 16, 2006 November 8, 2006 December 1, 2006 December 11, 2006 |
| HELCO Remaining Responses to CA-IRs Through Round 6 | Continuous to December 1, 2006 |
| Consumer Advocate Supplemental IRs ("SIRs") To HELCO | Continuous to December 22, 2006 |
| HELCO Responses to Consumer Advocate SIRs | Continuous to January 15, 2007 |
| HELCO Filing of Act 162 Direct Testimonies and Consultant Report | December 29, 2006 |
| Consumer Advocate IRs on HELCO Act 162 Direct Testimonies and Consultant Report | January 10, 2007 |
| HELCO Responses to Consumer Advocate Act 162 Information Requests | January 24, 2007 |
| Consumer Advocate SIRs on HELCO Act 162 Direct Testimonies and Consultant Report | January 31, 2007 |

| | |
|--|------------------------------|
| HELCO Responses to Consumer Advocate Act 162 SIRs | February 9, 2007 |
| Consumer Advocate Testimonies, Exhibits and Workpapers Participants' Statement of Position | February 21, 2007 |
| HELCO IRs to Consumer Advocate And KDC; Consumer Advocate IRs to KDC | February 22-28, 2007 |
| Consumer Advocate and KDC Responses to HELCO IRs KDC Responses to Consumer Advocate's IRs. | March 1-7, 2007 |
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| Simultaneous Opening Briefs by Parties | 4 weeks after Transcripts |
| Simultaneous Reply Briefs by Parties | 3 weeks after Opening Briefs |

2. In all other respects, the Stipulated Prehearing Order approved by the commission in Order No. 22903, and as modified herein, remains unchanged.


DONE at Honolulu, Hawaii DEC 21 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

05-0315.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23153 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Certificate of Service
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Karen Higashi

DATED: DEC 21 2006